

REMARKS

By this Amendment, claims 1-20 are amended. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by the Examiners in the December 19, 2005 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

The Office Action objects to claims 1-10, 18 and 19 for improper numbering. Although Applicants respectfully submit that the improper numbering resulted from a Patent Office error in scanning the electronically filed application, Applicants amend claims 1-20 based on the scanned document in the IFW to reflect proper claim numbering. Accordingly, withdrawal of the objection is respectfully requested.

The Office Action rejects claims 1-10, 18 and 19 under 35 U.S.C. §112, second paragraph, as indefinite. This rejection is respectfully traversed.

The Office Action alleges that the claims omit essential structural cooperative relationships of elements. Applicants respectfully disagree.

As discussed during the personal interview, claims 1-10, 18 and 19 set forth the functional cooperative relationships between the first and second flag bodies. Applicants respectfully submit that the recited functional relationship should be sufficient and that Applicants should not be required to specify a particular structure that allows the elements to interact as recited in claims 1-10, 18 and 19.

However, as discussed at the personal interview, to advance prosecution of this application, independent claims 1 and 18 are amended to recite first and second portions of the first and second flag bodies, respectively, that are arranged to interact. Claims 2-6, 11, 19 and 20 are also amended for consistency. Applicants respectfully submit that the claims are not narrowed because such amendments only make explicit that which was implicit in the claims as originally filed.

The Office Action also asserts that the first and second directions recited in claim 1 are inaccurate based on the specification. Applicants respectfully disagree.

As discussed at the personal interview, the first and second directions recited in claim 1 are not specified as being opposite directions as presumed by the Office Action. The recitation of first and second directions in claim 1 is intended to clearly associate a direction with each moving element. Further, as described in the specification, the direction of the object is not the same as the direction of the flag body because the object moves substantially linearly whereas the flag body rotates. Thus, Applicants respectfully submit that nothing in claim 1 is inaccurate or inconsistent.

The Office Action further asserts that claims 18 and 19 improperly claims both an apparatus and the method steps for using the apparatus. Applicants respectfully disagree.

As discussed at the personal interview, the apparatus features are recited in the preamble only to provide proper antecedent basis for the structures reference in the body of method claims 18 and 19. As agreed at the personal interview, claim 18 is amended to more clearly separate the preamble from the body. In particular, the use of “comprising:” for the apparatus features is replaced by “including” to avoid potential confusion. As such, Applicants respectfully submit that claims 18 and 19 only recite a method, not both an apparatus and the method steps for using the apparatus.

Therefore, Applicants respectfully submit that claims 1-10, 18 and 19 fully comply with 35 U.S.C. §112. Accordingly, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 18 and 19 under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

As discussed at the personal interview, and discussed above, claims 18 and 19 only recite a method and thus do not “embrace or overlap two different statutory classes of

invention” as alleged by the Office Action. Accordingly, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1-2, 4-6, 18 and 19 under 35 U.S.C. §102(e) over U.S. Patent No. 6,926,272 to Carter et al. (Carter). This rejection is respectfully traversed.

As discussed during the interview, Carter does not disclose or suggest a first flag body and a second flag body that are rotatable relative to each other. As interpreted by the Office Action, Carter discloses a first flag body 22 and a second flag body 23. However, as shown in Fig. 2 of Carter, the first flag body 22 and the second flag body 23 are fixed on a rod 21 such that the first flag body 22 and the second flag body 23 cannot rotate relative to each other.

As proposed at the personal interview, independent claims 1 and 18 are amended to clarify this difference. Thus, Applicants respectfully submit that claims 1 and 18 are patentable over Carter. Claims 2, 4-6 and 19 are patentable over Carter at least in view of the patentability of claims 1 and 18 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

Rejoinder of withdrawn claims 11-17 and 20 upon allowance of claims 1 and 18. Therefore, in view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Klifton L. Kime
Registration No. 42,733

JAO:KLK/hs/slh

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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